

Docket: T00362  
Application: 10/029,928

### REMARKS

This amendment is in response to the Examiner's Office Action dated 9/21/2005 and further in view of the Request for Continued Examination (RCE) filed herewith. Claims 1-28 have been cancelled via the current amendment. Claim 29-43 have been newly added without introducing new matter. The Applicant believes that the arguments presented in the current amendment should make the pending claims allowable.

In the Office Action of 9/21/2005, the examiner cites the Petite, Fukunaga, and Mecham references as teaching many of the features of Applicant's previously pending claims 1-28. Since claims 1-28 have been cancelled via the current amendment, Applicant has addressed, below, newly added claims 29-43 and the failure of the Petite, Fukunaga, and Mecham references to teach many of the features of newly added claims 29-43.

The Petite reference is directed to a system for monitoring, reporting and controlling remote devices by transmitting information to a gateway interface and using applications on a connected server to process such information. The server, along with a database, collects, formats and stores client-specific data received from transceivers associated with remote devices for later retrieval.

The Fukunaga reference discloses a building automation system wherein distributed process controllers monitor and control terminals, and a monitoring terminal returns the state of input elements such as a sensor or a switch.

The Mecham reference discloses an irrigation controller that irrigates the site to satisfy watering needs of the vegetation based on a net evapotranspiration value determined by the irrigation controller.

On page 5 of the Office Action of 9/21/2005, the Examiner asserts that the Petite reference, in column 7, lines 54-57 teaches a control server that determines the control

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parameters from relevant control information accessed from one or more information servers. However, Applicant respectfully contends that column 7, lines 54-57 of Petite merely states that database 270 is a conventional database that is used as a "data collection and reporting device", but makes no mention of database 270 serving as an information server that is accessible over a WAN or database 270 serving as an information server, accessible over a WAN, storing climactic information. Absent such a showing, the Petite reference, either singly or used in combination with Fukunaga and Mecham, cannot anticipate or render obvious Applicant's pending claims 29-43.

On page 5 of the Office Action of 9/21/2005, the Examiner states that the Fukunaga reference teaches the feature of determining control parameters based on state information of residential device(s). However, the Fukunaga reference merely recites returning state information from input elements such as sensors connected to various terminals in a building automation system. However, the Fukunaga reference fails to provide any teaching or suggestion for determining state information of a residential device, wherein such state information is forwarded by a residential gateway to a control server. Absent such a showing, the Fukunaga reference, either singly or used in combination with Mecham and Petite, cannot anticipate or render obvious Applicant's pending claims 29-43.

On page 8 of the Office Action of 9/21/2005, the Examiner states that the column 6, line 57 through column 7, line 3 of the Mecham reference teaches the determination of control parameters based on economic setpoint information. However, the citation merely states that a user configures the controller by inputting irrigation schedule, type of soil, etc. Mecham reference in its entirety fails to teach or suggest the providing economic setpoint information to the control server to determine control parameters which in turn control the residential device(s). The Mecham reference does not provide any citations that teach or suggest the use of

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economization of resources when controlling the residential devices. The Applicant wishes to note that such a teaching is also absent from the Petite and Fukunaga references. Absent such a showing, the Mecham reference, either singly or used in combination with Fukunaga and Petite, cannot anticipate or render obvious Applicant's pending claims 29-43.

Moreover, the Applicant wishes to contend that the Petite and Fukunaga references either singly or in combination do not mention how residential device(s) is controlled based on control parameters that are determined from information received by climatic information providing servers, state information of the residential device(s), and economic setpoint information.

Therefore, Applicant contends that the newly added independent claims 29, 36 and 43 are not anticipated or rendered obvious by the art of record. Applicant, therefore, submits that claims 29, 36 and 43 are allowable. Further, Applicant respectfully requests reconsideration of dependent claims 30-34, and 37-42 as they depend from an allowable claim.

#### SUMMARY

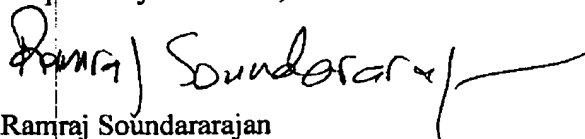
As has been detailed previously, none of the references, cited or applied, provide for the specific claimed details of Applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this amendment has been timely filed within the set period of response, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 12-0010.

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If it is felt that an interview would expedite prosecution of this application, please do not  
hesitate to contact Applicant's representative at the below number.

Respectfully submitted,



Ramraj Soundararajan  
Registration No. 53,832

1725 Duke Street  
Suite 650  
Alexandria, Virginia 22314  
(703) 838-7683  
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